

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 423-59

C#/M#

Group Art Unit: 1648

Examiner: G.G. Leffers, Jr.

Date: May 29, 2003

IBA et al

Serial No. 09/800,520

Filed: March 8, 2001

Title: PROCESS FOR PREPARING RETROVIRUS VECTOR FOR GENE THERAPY

RESPONSE UNDER RULE 116

EXPEDITED HANDLING PROCEDURES

## Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Corres. and Mail

BOX AF

Sir:

## AMENDMENT UNDER 37 CFR §1.116

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ Correspondence Address Indication Form Attached.

## Fees are attached as calculated below:

Total effective claims after amendment	12	minus highest number			
Previously paid for	20	(at least 20) =	0	x	\$ 18.00

\$ 0.00

Independent claims after amendment	2	minus highest number			
Previously paid for	3	(at least 3) =	0	x	\$ 84.00

\$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)

\$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this Paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)

\$ 110.00

Terminal disclaimer enclosed, add \$ 110.00

\$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)

\$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

SUBTOTAL \$ 110.00

If "small entity," then enter half (1/2) of subtotal and subtract

-\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 17(p) Information Disclosure Statement Filing Fee (\$180.00)

\$ 180.00

Assignment Recording Fee (\$40.00)

\$ 0.00

Other: Information Disclosure Statement along with European Search Report, PTO Form-1449 and cited references

0.00

TOTAL FEE ENCLOSED \$ 290.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

IBA et al.

Appln. No. 09/800,520

Filed: March 8, 2001



Atty. Ref.: 423-59

Group Art Unit: 1636

Examiner: G.G. Leffers Jr.

RECEIVED  
JUN 03 2003  
TECH CENTER 1600/2900

FOR: EXPRESSION VECTOR CONTAINING A DRUG-RESISTANCE GENE HAVING A  
DESTABILIZING SEQUENCE AS SELECTION MARKER

\* \* \*

AMENDMENT UNDER 37 CFR § 1.116

May 29, 2003

Hon. Commissioner for Patents

Mail Stop AF

Alexandria, VA 22313

Sir:

In response to the pending Office Action (Paper No. 14) mailed February 12, 2003, entry and consideration of the following amendments and remarks are respectfully requested.

IN THE CLAIMS

Kindly enter the following amended claims.

34. (Amended) An expression vector comprising a selectable drug-resistance gene having an mRNA-destablizing sequence, which produces a short-lived transcript of the drug-resistance gene.

35. (Amended) An expression vector comprising a drug-resistance gene linked to an mRNA-destablizing sequence, wherein said expression vector confers drug resistance when transfected into a cell and the drug-resistance gene is transcribed at a higher rate under selection with the drug because of the presence of the mRNA-destabilizing sequence.

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